

Corrected Ordinance Hammerle Street Vacation

Agenda Bill ID: AB 2008-09-03

City Council

PURPOSE:

CORRECTED ORDINANCE - HAMMERLE STREET VACATION

This item consists of a proposed ordinance that con-ects a previously approved ordinance(No. 1566, adopted April 28, 2008) which vacated Hammerle Street between Elliott and Failing Streets, adjacent to the existing Bolton Fire Station. The street vacation was cityinitiated.

DISCUSSION:

The adopted ordinance language conditioned the vacation "upon the recordation of an easement allowing pennanent City access to the storm drainage line under the current ROW (right-of-way)." However, it is a postulate of property law that a property owner cannot grant an easement to itself - in this type of situation the property owner must transfer property and "reserve" an easement as an integral part of the transfer.

Staff investigated whether this error could be corrected administratively, but because it is an ordinance and involves a propeliy transfer, adoption of a corrected ordinance is necessary to dispel any possible "cloud" on the property in the future.

OPTIONS:

None. The substantive reasons for the street vacation remain unchanged.

Attachments

[Staff Memo - Hammerle St Vacation](#)

[Ordinance 1566 Hammerle St Vacation](#)

[Proposed Ordinance Hammerle St Vacation](#)

[Agenda Bill 2008-09-03](#)

[CORRECTED STAFF MEMO - Hammerle St Vacation](#)

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